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June 27, 2016

BY ECF

The Honorable Gregory H. Woods
United States District Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 2260
New York, NY 10007

Re: *Nieves v. Performance Sports Group Ltd., et al.*,
No. 1:16-cv-3591-GHW (S.D.N.Y.)

Dear Judge Woods:

This firm represents Defendants Performance Sports Group Ltd., Mark Vendetti, and Amir Rosenthal (collectively, the "PSG Defendants") in this action. Defendant Kevin Davis, who has not yet been served, is represented by separate counsel. We write, pursuant to Rule 1(E) of the Court's Individual Practices, to request an adjournment of the July 7, 2106 deadline to file a response to the complaint. The PSG Defendants have not made any previous applications for adjournments, and counsel for lead plaintiff does not object to this request.

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The only complaint in this action was filed on May 13, 2016, by Plaintiff Juan Francisco Gonzalez Nieves as Trustee of the Gonzalez Coronado Trust, on behalf of a putative class (the “Nieves Complaint”). Nieves was represented by Bronstein, Gewirtz & Grossman, LLC. The PSG Defendants were not served with the Nieves Complaint at that time.

On May 17, 2016, the Plumbers & Pipefitters National Pension Fund (the “Pension Fund”) filed a motion seeking appointment as lead plaintiff in the putative class action filed by Nieves. The Court granted that motion on June 7, 2016, appointing the Pension Fund as lead plaintiff and its attorneys, Cohen Milstein Sellers & Toll PLLC, as lead counsel.

On June 16, 2016, the Pension Fund served a copy of the Nieves Complaint on the PSG Defendants. The Pension Fund’s efforts to serve Defendant Davis have been unsuccessful to date, and counsel for Davis has thus far declined to accept service on his behalf.

I have conferred with counsel for the Pension Fund and learned that it intends to file an amended complaint in this matter and will propose to the Court a filing deadline upon serving Davis.

In light of the substitution of the Pension Fund for Nieves as lead plaintiff and the Pension Fund’s intention to file an amended complaint, it would serve no useful purpose for the PSG Defendants to file a response to the Nieves Complaint. Such a filing would be a waste of resources, as the Nieves Complaint will not be the operative instrument in this action, and any motion to dismiss would be rendered moot.

The PSG Defendants therefore request the adjournment of the July 7, 2016 deadline to file an answer, motion, or other response to the Nieves Complaint, pending the filing of an amended complaint by the Pension Fund.

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As noted above, the PSG Defendants have made no previous adjournment requests, and counsel for the Pension Fund does not oppose this initial request for an adjournment.

We appreciate the Court's consideration of this request.

Respectfully submitted,

/s/ Justin Anderson

cc: Stephen D. Bunch (by ECF and email)
Kenneth M. Rehns (by ECF and email)